

### **REMARKS**

Claims 1-3 and 6-46 are pending. Claim 1 has been amended to correct a typographical error. Claim 9 has been amended to reflect proper dependency. Claims 1-3, and 6-21 are presently under examination. Claims 22-46 are withdrawn. No new matter has been added. Consideration and entry of the present amendment is respectfully requested as it places the application in condition for allowance or in better form for appeal.

#### **Rejection under 35 U.S.C. § 103**

The claims stand rejected under 35 U.S.C. 103 as allegedly obvious over WO 88/07045 (Murakata) in view of WO 00/48571 (Matthews). The Applicants request reconsideration and withdrawal of the rejection as Matthews is not prior art to the present application.

The present application was filed November 20, 2003 and is a CIP of an application filed October 27, 2000, now U.S. 6,660,729, which is a divisional of an application filed August 5, 1999, now U.S. 6,200,968. Support for the pending claims can be found in U.S. 6,200,968 at, for example, col. 5, lines 40-42, lines 61-67; col. 8, lines 56-65 and 46-58; col. 20, formula IIa-12; Table 2. Since the instant claims are fully supported by the disclosure of U.S. 6,200,968, the effective filing date of the present application is no later than August 5, 1999.

Matthews has an International Publication date of August 24, 2000, claiming the benefit of a European application. Since Matthews was filed *before* November 29, 2000, and since there does not appear to be a US counterpart issued patent, there is no applicable 102(e) date for this PCT publication. Thus, the earliest date that Matthews can qualify as prior art is its publication date, *i.e.*, August 24, 2000. Since the effective filing date of the present application is no later than August 5, 1999, Matthews does not qualify as prior art. Withdrawal of the rejection is respectfully requested.

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The Applicants assert that the foregoing constitutes a full and complete reply to the August 5, 2008 Office Action and that claims 1-3 and 6-21 are in condition for allowance. An early Notice to that effect is, therefore, earnestly solicited. In addition, the Applicants

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request rejoinder of all methods claims, *i.e.*, claims 22-26, that incorporate all the limitations of an allowable product claim.

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